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Report of the Working Group on the issue of discrimination against women in law and in practice

Note by the Secretariat*

The Secretariat has the honour to transmit to the Human Rights Council the report of the Working Group on the issue of discrimination against women in law and in practice, pursuant to Council resolutions 15/23, 26/5 and 32/4. In its report, the Working Group takes stock of the first six years of its mandate and analyses the lessons learned. While highlighting the successes, limitations and main challenges faced in the struggle for women's rights and empowerment, the Working Group reasserts women's fundamental right to substantive equality and calls for concerted efforts to counter rollbacks and the increasing attacks against the universality of women's human rights. It examines opportunities to strengthen the international women's human rights machinery, focusing particularly on its role in forging strategic partnerships and alliances and creating enabling environments to advance women's human rights. In the report, it also encapsulates its work and some of its impact, while setting the vision for the mandate in the coming years.

* The annex is being circulated without formal editing, in the language of submission only.

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I. Activities

1. The present report covers the activities of the Working Group on the issue of discrimination against women in law and in practice, from the submission of its previous report (A/HRC/35/29) to April 2018.

A. Sessions

2. The Working Group held three sessions in Geneva during the period under review. At its nineteenth session (15–19 May 2017), it held meetings with other special procedure mandate holders, a member of the Committee on the Elimination of Discrimination against Women, a member of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), representatives of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and representatives of several civil society organizations. The Working Group also started organizing the handover to the new members and discussed possible future thematic priorities. Jointly with civil society organizations and the Special Rapporteur on the situation of human rights defenders, it organized a well-attended public event on strengthening protection networks for women human rights defenders to combat discrimination.

3. At its twentieth session (9–13 October 2017), the experts completed the handover to their successors. The experts met with the new Special Representative of the Secretary-General on Sexual Violence in Conflict, organized an informal brainstorming session on the issue of surrogacy with the participation of the World Health Organization (WHO), the United Nations Population Fund (UNFPA), OHCHR and the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material (see A/HRC/37/60). The Working Group also organized a well-attended meeting with Member States.

4. At its twenty-first session (22–26 January 2018), the Working Group, including the four experts whose terms had begun on 1 November 2017, reviewed its working methods and elaborated the vision for the mandate in the coming years. It met with a former Working Group member, members of the Committee on the Elimination of Discrimination against Women, representatives of UN-Women, WHO and UNFPA and OHCHR staff. The Working Group also organized a meeting with Member States and Geneva-based civil society organizations. On 25 January, the International Gender Champions organized an event introducing the new experts to the Geneva international community.

B. Country visits

5. The experts visited Samoa from 8 to 18 August 2017 (A/HRC/38/46/Add.1) and Chad from 4 to 14 December 2017 (A/HRC/38/46/Add.2). The Working Group thanks the Governments of those countries for their cooperation before and during the visits. It also thanks the Government of Poland for having invited it to conduct an official visit in 2018. The Working Group currently has 32 pending requests for visits and encourages States to respond positively to those requests.

C. Communications and press releases

6. During the period under review, the Working Group addressed communications to Governments, individually or jointly with other mandate holders. The communications concern a wide range of subjects falling within its mandate, including discriminatory legislation and practices, allegations of abuse of women human rights defenders and violations of their rights, gender-based violence and violations of the right to sexual and

reproductive health.[1] The Working Group also issued press releases, individually or jointly with other mandate holders, treaty bodies and regional mechanisms.[2]

D. Other activities

7. Since its previous report to the Human Rights Council, the experts have undertaken numerous activities in their capacity as members of the Working Group (see annex).

II. Thematic analysis: reasserting equality, countering rollbacks

A. Introduction

8. In the present report, the Working Group takes stock of the first six years of its mandate and analyses the lessons learned. It is grateful for the responses to the questionnaire it sent out in July 2017 to all Permanent Missions in Geneva and other stakeholders, seeking information on lessons learned, key challenges and opportunities relating to the work of the mandate.

1. Conceptual framework

9. The Working Group, in establishing its conceptual framework and working methods, stressed that the elimination of discrimination against women in law and in practice required a comprehensive and coherent human rights-based approach that ensured that women were at the centre of efforts to hold principally States accountable for implementing international standards guaranteeing civil, political, economic, social and cultural rights (see A/HRC/20/28). The Working Group addressed the elimination of discrimination against women in law and in practice in all fields from the perspective of States' obligations to respect, protect and fulfil women's human rights.

10. It emphasized that national, regional and international human rights mechanisms, as well as grass-roots activists, played critical roles in ensuring the full enjoyment by women of their human rights. For legal guarantees to benefit all women, implementation frameworks and strategies must be responsive to the intersections of gender-based discrimination with other grounds of discrimination.[3]

11. Indeed, the work of the Working Group has covered all women, acknowledging that women are not a uniform group. Nearly 40 years of reporting to the Committee on the Elimination of Discrimination against Women have proven that there are multiple and intersecting forms of discrimination against women around the world and within countries that reinforce and sustain each other. All women, in their diversity and many different circumstances, are affected differently by discriminatory laws and practices. Nevertheless, there are shared aspects of discrimination against women that persist in all cultures, although with differing levels of intensity and differing impacts.

12. Furthermore, throughout the first six years of the mandate, there has been a need to constantly reiterate, even within the human rights system, that women are not just another vulnerable group, as they are often treated by some. They are half of the world population and often the majority of each of the vulnerable groups, hence eliminating the persistent discrimination and backlashes against women's rights should be addressed both as a stand-alone goal and as a mainstreaming issue.

13. The Working Group has observed how concepts such as "complementarity", "equity" and "protection of the family" have been used to undermine women's rights by challenging universal human rights to equality and non-discrimination. Such concepts are also employed to justify State and non-State violations of these rights, and non-compliance with State

[1] See www.ohchr.org/EN/Issues/Women/WGWomen/Pages/Communications.aspx.
[2] See www.ohchr.org/EN/NewsEvents/Pages/NewsSearch.aspx?MID=WG_Women.
[3] See Committee on the Elimination of Discrimination against Women, general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, para. 18.

obligations to eliminate discriminatory practices based on stereotyped roles for men or women (see A/HRC/29/40).

14. In recent years, the Working Group has observed how the concept of gender itself has been challenged, misunderstood and misused to further undermine the struggle towards the elimination of discrimination against women and towards gender equality. In this regard, the hostilities against so-called gender ideology, particularly vehement in Latin America and Eastern Europe, exemplify the growing challenges in the quest for equality. Conservative lobbies advocating against gender ideology, presented as a threat to "traditional values", wrongly see efforts to advance gender equality as the imposition of ideas and beliefs that seek to destroy such institutions as the family, marriage and religious freedom. This movement has been particularly vocal in opposing policies or even debates on issues of scientifically based comprehensive sexuality education in schools, women's sexual and reproductive rights, marriage equality and gender-based violence. The term "gender" has, for instance, been challenged by the movement against the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) on the grounds that it imposes gender ideology. These conservative groups argue that international law prohibits only sex discrimination, denying that the term "gender" has been used in international norms and standards since the 1970s. The Working Group recalls that, in its general recommendation No. 28, the Committee on the Elimination of Discrimination against Women interpreted the prohibition of sex discrimination, as contained in the Convention on the Elimination of All Forms of Discrimination against Women, as including gender-based discrimination. Attacks against gender ideology are used by conservative actors to oppose the universal applicability of human rights standards on the basis of non-discrimination and to undermine achievements made in the recognition of women's human rights and in the implementation of gender equality.

2. A new sense of urgency

15. In the past six years, the Working Group has documented the gains made over decades of global advocacy. It has also drawn attention to the remaining gaps and the obstacles to achieve gender equality, particularly due to the rise of movements opposing the universality of women's rights, contributing to fragmenting and weakening the human rights system. This calls for all actors to unite in an effort to protect, promote and fulfil women's rights, while fighting against retrogressions. Yet, rising authoritarianism in political governance, economic crises and rocketing inequality and politicization of traditionalist religions have posed considerable challenges to the human rights system. The corrosion of women's human rights is a litmus test for the human rights standards of the whole of society.

16. Nearly 40 years after the adoption by the General Assembly of the Convention on the Elimination of All Forms of Discrimination against Women, no country in the world has successfully eliminated discrimination against women or achieved full equality. This should no longer be tolerated or normalized. Today, there is a need to protect the gains from the past and to urgently advance women's substantive equality, which is crucial for the indivisibility of human rights and for the human development of families, communities and countries. This new sense of urgency has led the Working Group to shed light on issues subjected to particular resistance and to reflect on ways to further strengthen women's human rights machinery in a collective struggle to eliminate discrimination against women.

B. Global context of persistent discrimination and backlashes against women's rights and the need to strengthen the protection system

1. Acknowledging progress made in advancing gender equality

17. Throughout its work, the Working Group has documented achievements, good practices and the main challenges in the quest for the elimination of discrimination against women.

18. International commitment to fulfilling women's right to political participation has grown substantially. Over the course of the twentieth century, women's right to vote has been almost universally implemented. In fewer than two decades after the Fourth World

Conference on Women: Action for Equality, Development and Peace, held in Beijing, the global average for women's political representation has doubled.[4] The introduction of quotas in some countries that were undergoing political transition resulted in significant increases in women's parliamentary representation. Positive trends have also been seen in terms of extending special measures and affirmative action to other areas of public life beyond parliamentary representation (see A/HRC/23/50).

19. In recent years, women demanding dignity and rights have marched worldwide and have increasingly used social media to take action. Technology has enabled new forms of women's political expression and engagement. Movements denouncing gender-based violence against women, such as #NiUnaMenos and #MeToo, have swept much of the globe, following decades of advocacy from women's rights movements demanding an end to violence against women in environments that normalize discrimination against women. Gender-based violence is one of the worst manifestations of such discrimination.[5]

20. Significant progress has been made in closing the gender gap in education, and women have increasingly participated in the cultural and scientific lives of their communities and nations.[6] Women's labour force participation has increased significantly and women entrepreneurs in small and medium-sized enterprises have made considerable contributions as crucial economic actors. Initial efforts have been made by some countries to increase women's participation in economic and financial leadership by imposing gender quota requirements for corporate boards. Moreover, in times of crisis, some countries have chosen alternatives to austerity measures to ensure women's continued economic inclusion (see A/HRC/26/39).

21. The right of women and girls to equality in the family has been recognized in international human rights law and guaranteed in most modern legal regimes, which have reformed family law systems to enshrine gender equality. In some countries, progress has been made in challenging gender stereotypes and the unequal roles and responsibilities attributed to women and men in the family. A considerable number of countries have developed laws criminalizing domestic violence and providing protection for victims (see A/HRC/29/40).

22. Efforts to combat negative stereotypical messages regarding women's bodies have been deployed by civil society organizations and international entities and have been incorporated in national policy by many Governments (see A/HRC/32/44). Women's sexual and reproductive rights have been increasingly recognized in international standards. Maternal mortality has been almost halved over the past 20 years.[7]

23. An impressive body of regional and international human rights standards has been developed over the past few decades, in which recognition and protection of women's right to equality has been central and prioritized. Considerable progress has been made in the number of national constitutions guaranteeing gender equality and laws enacted to prohibit sex discrimination and gender-based violence. In 1995, the Fourth World Conference on Women consolidated the hard-fought progress and achievements by agreeing on a comprehensive plan to advance women's right to equality: the Beijing Declaration and Platform for Action. In 2010, the Human Rights Council decided to establish the Working Group on the issue of discrimination against women in law and in practice as part of its independent fact-finding and monitoring mechanisms. While the founding of the Working Group is undoubtedly a success in terms of strengthening the women's rights machinery, it also reflects the recognition by the international community of the persistent discrimination against women worldwide.

24. Despite these achievements made over long years of struggle, discrimination against women and impunity for the violation of women's rights persist in both the private and public spheres, in times of conflict as in times of peace, and in all regions of the world. Not only is the advancement of women's rights and full equality too slow, uneven and far from a global

[4] See www.ipu.org/wmn-e/classif-arc.htm.
[5] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22759&LangID=E.
[6] See A/72/155 and www.unesco.org/new/en/natural-sciences/priority-areas/gender-and-science/.
[7] See www.unfpa.org/sites/default/files/pub-pdf/9789241507226_eng.pdf.

reality (see E/CN.6/2015/3), but women's hard-fought achievements now risk being reversed. An unprecedented pushback has been progressing across regions by an alliance of conservative political ideologies and religious fundamentalisms. Retrogressions have been occurring, often in the name of culture, religion and traditions, and threaten the hard-fought progress in achieving women's equality.

2. Deadlocks, retrogressions and backlashes

Family and culture

25. In its reports, the Working Group has demonstrated the persistence of a global discriminatory cultural construction of gender, often tied to religion, and the continued reliance of States on cultural justifications for adopting discriminatory laws or for failing to respect international human rights law and standards. It has particularly emphasized that failure to ensure the equality of women and girls within the family undermines any attempt to ensure their equality in all areas of society (see A/HRC/29/40).

26. Throughout its work, the Working Group has shown that discrimination against women and girls and the backlash against their rights all too often start in the family where, for example, women and girls are undervalued, may be limited to certain roles, experience harmful practices and patriarchal oppression, and suffer other human rights abuses, including domestic violence and sexual abuse. As indicated by the Working Group, although discriminatory laws governing family life have been repealed in most countries, such laws are still in force in a few others (ibid.). In some countries, women are deprived of their fundamental rights due to, inter alia, a lower minimum age of marriage for girls, guardianship systems, forced marriage, polygamous marriage, discrimination in nationality rights, divorce rights and unequal rights to custody, inheritance and access to property and land. In the name of perceived honour, purity and tradition, girls and women are subject to "honour" killing, child marriage,[8] widowhood rites and female genital mutilation,[9] among other violations of their rights. In some regions, there has been no progress at all towards eliminating child marriage.[10]

27. Within the United Nations system, the Working Group has observed that States have misused references to culture, religion and family in an effort to dilute their international obligations to fulfil women's rights and achieve gender equality. One extremely revealing fact is the high number of reservations to the Convention on the Elimination of All Forms of Discrimination against Women, particularly to article 16 on equality in the family,[11] in which States deny women's and girls' right to equality in deference to religious norms, and refute their accountability for the universal applicability of human rights (see A/HRC/29/40). This also shows that equality in the private domain — the family — remains one of the biggest hurdles to achieving gender equality.

28. Under the guise of protecting the family, some States are taking initiatives aimed at further diluting human rights. While recognizing that the family is the fundamental group unit of society and is entitled to protection, the Working Group insists on the need to reassert women's right to equality in all aspects of family life and to recognize that diverse forms of family exist. Protection of the family cannot be used as a justification for laws, policies or practices that would deny women and girls their full and equal human rights (ibid.). The advancement of women and girls depends on the recognition in law and in practice of their right to equality as members of communities and families.

29. As the Special Rapporteur in the field of cultural rights has highlighted, diverse religious fundamentalists often work together tactically at the international level to thwart advances in women's human rights. She has also observed that enabling women's enjoyment

[8] See www.girlsnotbrides.org/what-is-the-impact/.
[9] See www.unfpa.org/female-genital-mutilation.
[10] See www.unicef.org/media/media_102783.html.
[11] See www.universal-rights.org/urg-policy-reports/march-universality-religion-based-reservations-core-un-human-rights-treaties-tell-us-human-rights-religion-universality-21st-century/.

of all human rights, including cultural rights, is an essential component in the fight against extremism, fundamentalism and terrorism (see A/HRC/34/56).

30. While the Working Group is committed to the principle of upholding freedom of religion or belief as human rights to be protected, it regrets the increasing challenges to gender equality in the name of religion. It joins other international human rights expert mechanisms in reiterating that freedom of religion or belief should never be used to justify discrimination against women (see A/HRC/29/40).

Women's autonomy and sexual and reproductive rights

31. It is in this context of rising fundamentalisms and backlashes against women's rights that the current discourse on women's sexual and reproductive rights is taking place at the international level. Too many women are being deprived of their sexual and reproductive health and rights. While the maternal mortality rate has declined, over 800 women still die every day from preventable causes related to pregnancy and childbirth, with the lives of the most marginalized women at the highest risk.[12] An estimated 225 million women are deprived of access to essential modern contraception,[13] often leading to unplanned pregnancies. For girls, pregnancy and childbirth is one of the most common causes of death in developing countries, with girls under 15 years of age facing five times the danger. As a result of unsafe abortions, each year some 47,000 women die,[14] and a further 5 million suffer temporary or permanent disability.[15]

32. In some countries, women still live with the threat of criminal punishment for sexual or reproductive conduct such as adultery, prostitution/sex work or termination of pregnancy. In others, women are even accused of murder if they have a miscarriage or obstetric complication (see A/HRC/32/44). Criminalization of behaviour that is attributed only to women is inherently discriminatory.[16] So is denying women's autonomous decision-making and access to services that only women require and failing to address their specific health and safety, including their reproductive and sexual health needs.

33. Some 25 per cent of the world's population lives in countries with highly restrictive abortion laws. The Working Group has documented how politicized religious conservative movements in numerous countries have influenced decision-making to either halt or roll back progress, making concerted efforts in various regions to retain or even introduce prohibitions on termination of pregnancy. In a few countries, there have been attempts made to have a total ban, even where the pregnancy threatens the life of the pregnant woman. There have also been moves to further restrict funding of contraceptives. The commitment to upholding women's human rights regarding termination of pregnancy, as evident in some pioneering high court decisions, has not been upheld by all the highest courts in different regions.[17]

34. The Special Rapporteur on cultural rights has shown how fundamentalist and extremist abuses of cultural rights aim to limit the enjoyment of women's human rights and restrict the sexual and reproductive rights of all (see A/HRC/34/56). In this regard, the Working Group reaffirms that health-care providers' conscientious objections to reproductive health care cannot be accommodated if such objections would put women's health or lives in danger.

35. The right of a woman or girl to make autonomous decisions about her own body and reproductive functions is at the very core of her fundamental right to equality and privacy, involving intimate matters of physical and psychological integrity, and is a precondition for the enjoyment of other rights.[18] Countries where women have the right to termination of

[12] See www.unfpa.org/maternal-health.

[13] See www.who.int/reproductivehealth/publications/family_planning/human-rights-contraception/en/.

[14] See www.who.int/reproductivehealth/publications/unsafe_abortion/9789241548434/en/.

[15] See http://siteresources.worldbank.org/INTPRH/Resources/376374-1261312056980/RHAP_Pub_8-23-10web.pdf.

[16] Ibid. See also www.amnesty.org/en/latest/campaigns/2018/03/un-body-politics-explainer/.

[17] See www.ohchr.org/Documents/Issues/Women/WG/WomensAutonomyEqualityReproductiveHealth.pdf.

[18] See International Covenant on Civil and Political Rights, arts. 3 and 17.

pregnancy and are provided with access to information and to all methods of contraception have the lowest rates of termination of pregnancy. In countries where induced termination of pregnancy is restricted by law and/or otherwise unavailable, safe termination of pregnancy is a privilege of the rich, while women with limited resources have little choice but to resort to unsafe providers and practices. WHO data has clearly demonstrated that criminalizing termination of pregnancy does not reduce the number of women who resort to abortion procedures. Rather, it is likely to increase the number of women seeking clandestine and unsafe solutions. Indeed, 25 million unsafe abortions are still performed each year.[19]

36. In the current discourse, the need to put women's human rights at the centre of policy considerations regarding termination of their pregnancy is being obfuscated by the rhetoric and political power behind the argument that there is a symmetrical balance between the rights of two entities: the woman and the fetus. However, there is no such contestation in international human rights law. It was well established in the 1948 Universal Declaration of Human Rights and upheld in the International Covenant on Civil and Political Rights that the human rights accorded under international human rights law are accorded to those who have been born. Article 1 of the Universal Declaration provides that all human beings are born free and equal in dignity and rights. Those who believe that personhood commences at the time of conception have the freedom to act in accordance with their beliefs, but not to impose their beliefs on others through the legal system.[20]

37. The Working Group reiterates that much of the discrimination women face in terms of their right to access health services relating to their pregnancy and their resulting preventable ill-health, as well as maternal mortality and morbidity, can be attributed to the instrumentalization and politicization of women's bodies and health (see A/HRC/32/44). Criminalizing termination of pregnancy is one of the most damaging manifestations of that instrumentalization, subjecting women to risks to their lives or health and depriving them of autonomy in decision-making. The lack of universal access to comprehensive sexuality education and contraceptive information and services, particularly for adolescents and girls, and the practice of child marriage, lead to teenage pregnancy and the exclusion of girls from education and employment, hence limiting their enjoyment of many other rights.

Economic and social participation

38. In its reports, the Working Group has demonstrated how women still face structural disadvantages and discrimination in the economic and social spheres throughout their life cycle. Social and cultural barriers still prevent many girls from completing their education, and legal discrimination, entrenched inequalities in wages and labour force participation and caring responsibilities prevent women from participating equally in economic and social life. Women do 2.6 times more unpaid care and domestic work than men.[21] Older women suffer from a gender pension gap, making them particularly vulnerable to poverty, and all women face the persistent risk of sexual harassment and other forms of gender-based violence in schools, workplaces and other public places, in addition to the home (see A/HRC/26/39).

39. Indeed, women continue to be paid less than men for work of equal value and are severely underrepresented in top leadership in decision-making bodies in business, finance and trade, including in international institutions such as the International Monetary Fund and the World Trade Organization, and in cooperatives and trade unions. Furthermore, women have been grossly underrepresented in the formulation of the macroeconomic policies that have led to rocketing inequality, austerity measures and the undermining of care services on which women are more dependent than men. Today, there are more girls in schools than ever before, but one out of five adolescent girls is still out of school.[22] Moreover, women's higher

[19] See www.who.int/reproductivehealth/publications/unsafe_abortion/9789241548434/en/.

[20] See www.ohchr.org/Documents/Issues/Women/WG/WomensAutonomyEqualityReproductiveHealth.pdf.

[21] See www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2018/sdg-report-gender-equality-in-the-2030-agenda-for-sustainable-development-2018-en.pdf?la=en&vs=5653.

[22] See http://uis.unesco.org/sites/default/files/documents/fs48-one-five-children-adolescents-youth-out-school-2018-en.pdf.

educational achievements worldwide have not always translated into corresponding leadership positions or even equality in the economic field. While more women have entered the workforce, they still represent only 49 per cent of working age women,[23] against 75 per cent of working age men.[24] Globally, the gender pay gap still stands at 23 per cent.[25] Women often have access only to vulnerable forms of employment; the majority of women in developing countries are employed in the informal sector or in family businesses, and do not always receive wages directly. In countries where women's income mainly comes from agricultural activities, they generally have very limited ownership of land.[26]

40. While women's economic empowerment has proven to be among the least controversial issues relating to gender equality, the underlying cultural, social and political causes of economic inequality have not been successfully and fundamentally tackled. Women's economic and social rights will never be fulfilled if the necessary infrastructure for care services, enforcement of equal pay for work of equal value, and regulation of women's labour rights in the informal sector, in which many women are employed globally, are not put in place.

Political and public participation

41. Throughout its work, the Working Group has showed that globally, women remain underrepresented in all branches and at all levels of government. The percentage of women parliamentarians around the world still stands at only 23 per cent and only 17 per cent of Heads of State or Government are women.[27] Women are also underrepresented in international and regional entities,[28] and their voices and concerns are often omitted from peace agreements and rebuilding strategies. The Working Group has recognized that democratic deficits, poverty and social exclusion, inequality in the family, violence and stereotyping are all persistent barriers to women's full enjoyment of their rights to political participation (see A/HRC/23/50).

42. The Working Group has also expressed growing concern regarding the unique challenges faced by women human rights defenders around the world, driven by deep-rooted discrimination against women and stereotypes about which roles are "appropriate" for women in society. Today's rising fundamentalisms of all kinds, coupled with political populism, unchecked authoritarian rule and disproportionate focus on corporate profits over human rights, have altogether intensified the obstacles defenders face. For instance, those working on rights contested by fundamentalist groups (women's sexual and reproductive rights) and those denouncing the actions of extractive industries and businesses face a heightened risk of violence, including murder.[29]

Taking stock

43. During the first six years of the mandate, the experts have identified the fact that, of the many obstacles to gender equality that women face throughout their life cycle, the areas of family, culture and sexual and reproductive rights remain the most significant challenges and are those in which there has been a backlash against gains in women's equality. The Working Group regrets that women's economic empowerment and political participation are too often tackled as isolated issues. The interdependence of human rights cannot be overlooked: persistent discrimination in family, cultural and sexual and reproductive rights have a debilitating impact on women's capacity to claim equal standing in all aspects of life. This selective approach towards discrimination against women is an unfortunate practice by States and within the United Nations system, and is a core problem affecting the way gender equality is addressed and a major obstacle to sustainable progress. Without eliminating

[23] See https://data.worldbank.org/indicator/SL.TLF.CACT.FE.NE.ZS?view=chart.
[24] See https://data.worldbank.org/indicator/SL.TLF.CACT.MA.NE.ZS?view=chart.
[25] See http://interactive.unwomen.org/multimedia/infographic/changingworldofwork/en/index.html.
[26] See www.ohchr.org/Documents/Issues/Women/WG/Womenslandright.pdf.
[27] See www.unwomen.org/en/digital-library/publications/2017/4/women-in-politics-2017-map.
[28] See www.gqualcampaign.org/home/.
[29] See www.ohchr.org/EN/Issues/Women/WGWomen/Pages/WomenHumanRightsDefendersGender.aspx.

discrimination in family, cultural and sexual and reproductive rights, there will be no lasting progress in the other fields.

3. Strengthening the system to better promote and protect women's rights in a comprehensive manner

44. In its resolution 35/18, the Human Rights Council expressed profound concern about the backlash against the progress made by civil society to fulfil women's human rights. Throughout its mandate, the Working Group has witnessed the resurgence of a very conservative and retrogressive narrative in international forums and at the national level, and attempts to reinstate policies or legislation that are harmful to women. Such laws or policies particularly affect women's enjoyment of their right to equality in the family and their rights to health and autonomous decision-making.

45. As reported in a study on the impact of conservative actors in the international arena, there have been concerted efforts to water down existing agreements and commitments and to introduce regressive language in international human rights documents. There have also been attempts to undermine United Nations agencies, treaty monitoring bodies and special procedures. Anti-rights actors' discourses and strategies have led to deadlock in negotiations and had a substantive impact on the human rights framework and the progressive interpretation of human rights standards, especially those relating to gender equality and sexuality.[30]

46. Furthermore, the Working Group has observed that the women's human rights agenda is significantly fragmented. The selective prioritization of the less controversial issues means that gender equality is not addressed in a comprehensive manner, neglecting the interdependence and indivisibility of women's human rights. The Working Group recognizes the considerable progress made in terms of mainstreaming gender within the United Nations system. However, the impact of such efforts will remain insufficient as long as the United Nations system shies away from addressing the nuclei of resistance that are negatively affecting women's rights.

47. The Working Group concurs with the Special Rapporteur on cultural rights, who emphasized that all such anti-rights trends, whether on the part of States or non-State actors, at the international or national levels, must be met with a vigorous international human rights-based challenge, which must centre women's human rights (see A/72/155, para. 3). In this context of backlashes, devoting adequate resources to mechanisms working to achieve women's human rights is crucial. So too is enhancing communication and collaboration between all stakeholders and avoiding any inconsistency within the system.

48. At a time when the world should be moving relentlessly forward towards ever greater equality and the elimination of discrimination, women's rights activists find themselves far too often confronted by those who would use the specious justifications of tradition, culture, religion or State sovereignty to keep women from taking their rightful place in society and family as equals, or from exercising full control over their bodies and their personhood. Despite the principle, upheld in the Vienna Declaration and Programme of Action, that human rights are universal, indivisible and interdependent, the Working Group has observed efforts by conservative actors and fundamentalist groups to undermine the foundation on which the whole human rights system is based. The Working Group insists that global leadership, including international human rights bodies, States, United Nations entities and civil society, needs to guard against the backlash, to ensure that the human rights legal framework is not undermined. The Working Group considers that the time has come to review with a critical lens the unfulfilled commitments made to women and to take corrective action.

[30] See www.awid.org/ours-report.

C. The Working Group's efforts to contribute to the advancement of the elimination of discrimination against women

49. In the face of this backlash, the Working Group has consistently reiterated its call for the elimination of any laws, policies or practices that have a discriminatory effect on women and girls, and has committed to denouncing any anti-rights rhetoric and actions that hinder the upholding of human rights standards, particularly regarding gender equality.

1. The Working Group's work

50. The Working Group has deployed considerable efforts to contribute to the advancement of substantive equality and the development of progressive standards in a number of thematic areas. It has challenged the status quo and addressed topics where norms are contested or fragile but where protection of women's human rights is essential to the achievement of equality and the elimination of discrimination against women.

51. Since its establishment in 2010, the Working Group has sought to organize its work in the manner that best serves the mandate given to it by the Human Rights Council and that best advances the elimination of discrimination against women (see A/HRC/20/28). The Working Group has sought to assist States and other stakeholders to find and maintain the political will necessary to fulfil their obligations under the Convention on the Elimination of All Forms of Discrimination against Women and to create an environment that is conducive to achieving gender equality and empowering all women and girls, in accordance with Goal 5 of the Sustainable Development Goals, but also the cross-cutting principle of leaving no one behind.

52. In view of the work being carried out by international and regional human rights bodies and other special procedure mandate holders, the Working Group agreed that it would build on existing standards and initiatives, and on the available knowledge and tools produced to date by States, United Nations bodies, national human rights institutions and civil society organizations. In accordance with the mandate provided by the Human Rights Council in resolution 15/23, the Working Group has sought to draw upon the findings of the United Nations human rights machinery and the broader United Nations system.

53. Like many special procedure mandates that share areas of thematic focus with treaty bodies and United Nations bodies, the Working Group has worked to take advantage of its complementarity with the Committee on the Elimination of Discrimination against Women, UN-Women, the Special Rapporteur on violence against women, its causes and consequences, and other mandate holders to ensure that its actions are mutually reinforcing with those of others dedicated to the colossal task of eliminating the discrimination that still has a daily impact on the lives of half the world's population. In its resolution 23/7, the Human Rights Council recognized the constructive approach of the Working Group.

54. The Working Group has sought to maximize the impact and utility of the tools that are available to special procedures. It has also sought to make the best possible use of its convening capacity as a Working Group, through its annual sessions in Geneva and New York.

55. Additionally, it has taken advantage of new opportunities to advance the elimination of discrimination against women, including by contributing to global processes such as the Sustainable Development Goals and the Commission on the Status of Women, submitting amicus briefs in relevant court cases and developing position papers on particular women's human rights issues that needed further clarification. In accordance with its mandate, the Working Group has based its work on international human rights laws and standards, but also compiled good practices going beyond these standards.

Thematic reports

56. In order to better fulfil its mandate, the Working Group has systemized its analysis in five thematic areas: political and public (A/HRC/23/50), economic and social (A/HRC/26/39), family and culture (A/HRC/29/40), health and safety (A/HRC/32/44) and good practices (A/HRC/35/29). The Working Group has managed to embrace all areas

affecting women's lives and give a broad and comprehensive overview of the persistent and global discrimination against women and girls, in a concise and timely manner.

57. In its reports, the Working Group has striven to provide practical tools for States and other stakeholders to address the major causes of and trends in discrimination against women. While a plethora of literature exists on these topics, in its reports, the Working Group has condensed the available information in order to enhance its practical utility, and has sought to consistently advance progressive standards at the international level.

58. In their responses to the Working Group's questionnaire, States agreed that despite polarization and the sometimes contested nature of women's human rights within the Human Rights Council, the reports of the Working Group have influenced the language of Council resolutions. For instance, in its resolution 35/18, the Council included progressive language directly derived from the Working Group's reports with regard to the right to bodily autonomy, the naming of patriarchal norms, the existence of a democratic deficit due to barriers to women's political participation and recognition of the important role of feminists and women human rights defenders. Language from the Working Group's reports was successfully incorporated in previous Council resolutions on discrimination against women,[31] with some exceptions, particularly regarding issues relating to social protection floors, equality in the family and safe access to termination of pregnancy.

59. In its response to the questionnaire, one State reported that the Working Group's work had inspired its national human rights institution to make recommendations focusing on discrimination in cultural and family life. Another State indicated that the Working Group's reports had had an impact at the national level, including by being referred to by the parliament in the framework of legislative initiatives. Another State reported that the Working Group's reports had proven particularly useful as a reference in the process of drafting a national action plan on human rights.

Country visits

60. Through its country visits,[32] the Working Group has worked with States and other stakeholders to identify and promote good practices and exchange views on challenges relating to the elimination of discriminatory laws and practices and has made recommendations on the improvement of legislation and implementation of the law in a manner that contributes to the empowerment of women. In preparing for country visits, the Working Group works with United Nations country teams, including UN-Women, when present. Its preparation includes following up on recommendations of the Committee on the Elimination of Discrimination against Women and those of other special procedures. While in the country, the Working Group systematically meets with all stakeholders at the national and local levels, engages with communities, individual women, women's organizations, and traditional and religious leaders. It has striven to prepare comprehensive end-of-mission statements that can build on the momentum of the visit to have maximum impact and provide a preliminary road map to the elimination of laws and practices that discriminate against women. The Working Group has also been able to visit a State that has not ratified the Convention on the Elimination of All Forms of Discrimination against Women and is thus not subject to review by the Committee.

61. Some of the country visits have been valuable in bringing about changes to law and practice. Following one country visit, a State approved a series of amendments to its legislation on gender equality, including, as recommended by the Working Group, adopting quotas for a minimum of 40 per cent for both sexes in government positions and on political party electoral lists. The same State reported that the Working Group's visit had been useful for the establishment of its national human rights institution. Another State re-established the practice of distributing emergency contraception following a recommendation from the Working Group, and another set up a committee to reform discriminatory provisions in its Family Code. Further to a Working Group recommendation, one State halted plans for the

[31] See http://ap.ohchr.org/documents/dpage_e.aspx?m=188.

[32] See www.ohchr.org/EN/Issues/Women/WGWomen/Pages/CountryVisits.aspx.

reinstatement of corporal punishment in schools, and another considered for the first time in its parliament a law to combat gender-based violence.

62. The Working Group has also sought to implement effective follow-up to its country visits, within the limits of the resources available, by sending follow-up letters and making them and the responses publically available. It is regrettable that only one State has responded thus far to the follow-up letters.[33]

Communications

63. In its communications to States,[34] the Working Group has sought to collaborate with other mandate holders, sending mainly joint communications on cases that involved cross-cutting human rights issues. It has also used this tool to initiate a dialogue on selected widespread discriminatory laws and policies, such as discrimination against women in nationality laws, marital status and criminalization of adultery. Between 1 January 2011 and 31 March 2018, the Working Group sent 259 communications, 165 of which were sent jointly with other mandate holders. Unfortunately, of all the communications sent, only 83 substantive replies were received from States.

64. Communications sent by the Working Group, independently and jointly with other mandate holders, have contributed to reforming discriminatory laws and policies. For example, States have amended nationality laws that denied women the right to confer citizenship on their children on an equal basis with men, and marriage laws that provided different minimum ages of marriage for boys and girls. Additionally, following one communication by the Working Group, a national law society removed from its website a note about discriminatory practice in terms of succession rules. The communications have also supported action for the release or acquittal of women imprisoned or prosecuted under discriminatory laws, including women who were imprisoned and threatened with flogging for charges including apostasy, adultery, "indecent dressing", a woman imprisoned for having suffered a miscarriage and a migrant woman who was accused of killing her employer after he threatened at knifepoint to rape her. In responding to the Working Group's questionnaire, one State acknowledged that it had instituted new protocols and new training methods for State employees as a result of a communication from the Working Group.

Working Group sessions

65. The Working Group holds three one-week sessions every year. It has used the sessions as an opportunity to meet with States and civil society organizations, and to engage in dialogue and exchange views in order to make progress in the elimination of discrimination against women. It has also viewed the sessions as an opportunity to improve its collaboration with other mechanisms working on women's human rights and other stakeholders, systematically organizing meetings with other special procedures, treaty body experts, United Nations entities, intergovernmental organizations, States and civil society from all regions. In meeting with stakeholders, the Working Group has sought their contributions to the preparation of its thematic reports, and aimed to enable each entity to benefit from one another's expertise, as well as trying to create new synergies and ensure consistency within the system. These goals also underlie the Working Group's use of its sessions to convene two joint meetings with regional women's human rights mechanisms.[35]

Other tools

66. The Working Group has used amicus briefs, submitted independently or jointly with other mandate holders, to offer national courts expert advice on issues of domestic law that are directly related to States' international human rights obligations to eliminate discrimination against women.[36] The expertise of the Working Group is also reflected in the

[33] See www.ohchr.org/EN/Issues/Women/WGWomen/Pages/CountryVisits.aspx.

[34] See www.ohchr.org/EN/Issues/Women/WGWomen/Pages/Communications.aspx.

[35] See www.ohchr.org/Documents/Issues/Women/WG/IRMechanismsWomens_Conceptnote.pdf and www.ohchr.org/Documents/Issues/Women/WG/outcome_document.pdf.

[36] See www.ohchr.org/EN/Issues/Women/WGWomen/Pages/AmicusCuriae.aspx.

position papers it has issued, which seek to provide conceptual clarity on selected areas affecting the enjoyment of women's rights where there may be widespread misunderstanding, misconception, misperception or underdeveloped interpretation of standards. Thus far, position papers have covered issues such as discrimination against women in nationality,[37] criminalization of adultery,[38] women's land rights,[39] and women's autonomy, equality and reproductive health.[40] These papers are particularly valuable given the limited space available to focus on thematic areas, especially since the Working Group does not report to the General Assembly.

67. The Working Group has brought its expertise in the area of women's human rights to bear in relevant global processes in order to ensure that a rights-based perspective is incorporated in global efforts to achieve equality and eliminate discrimination. Independently and jointly with other mechanisms, it has contributed to the processes of development and achievement of the Sustainable Development Goals.[41] It has also led the special procedures in an ongoing effort to ensure that Human Rights Council resolutions on protection of the family are grounded in the understanding that discrimination against women within the family is barred by international human rights law, and that true equality for women and girls can never be achieved if they are treated unequally within their own homes.[42]

68. The Working Group has sought to cooperate with other special procedure mandate holders in order to mainstream a gender perspective and to reinforce their shared goal of advancing women's human rights. For instance, the Working Group has engaged in a productive and sustained collaboration with the Special Rapporteur on human rights defenders, in order to address the specific issues faced by women human rights defenders. It has also contributed to the reports of a number of other special procedure mandate holders and submitted its views to treaty bodies in the process of drafting general recommendations and general comments.

69. The Working Group has regularly contributed to the dialogue held by States at the Commission on the Status of Women on the achievement of equality by women and girls and the empowerment of women, and for the first time in 2018 contributed formally to the Commission's general discussion. The Working Group has persisted in its effort to contribute to the work of the Commission, despite not yet having been allocated a formal role under the Commission's methods of work, such as that granted to the Special Rapporteur on violence against women and the Chair of the Committee on the Elimination of Discrimination against Women.

2. Lessons learned and opportunities for improvement

70. The Working Group has identified a number of steps that could be taken in order to enhance the institutional effectiveness of the international system in eliminating discrimination against women and promoting gender equality, as detailed in the conclusions and recommendations contained in the present report.

71. Formal involvement of the Working Group in the Commission on the Status of Women, instituted for the first time in 2018, further to the request of the Human Rights Council in its resolution 35/18, is an important step in bringing the Working Group's expertise on women's human rights to the principal global intergovernmental body dedicated to the promotion of gender equality and the empowerment of women.

72. Furthermore, the responses to the Working Group's questionnaire revealed that several States were unaware of all the work undertaken by the Working Group and the efforts

[37] See www.ohchr.org/Documents/Issues/Women/WG/DiscriminationAgainstWomenNationality.pdf.
[38] See www.ohchr.org/Documents/Issues/Women/WG/AdulteryasaCriminalOffenceViolatesWomenHR.pdf.
[39] See www.ohchr.org/Documents/Issues/Women/WG/Womenslandright.pdf.
[40] See www.ohchr.org/Documents/Issues/Women/WG/WomensAutonomyEqualityReproductiveHealth.pdf.
[41] See www.ohchr.org/Documents/Issues/Women/WRGS/WGcontributions_to_Post2015DevelopmentAgenda.pdf.
[42] See www.ohchr.org/Documents/Issues/Women/WRGS/JointLetterPresidentHRCProtectionFamily.pdf.

deployed to engage with all stakeholders. One of the aims of the present report was to comply with States' requests in their responses to give its work and activities more visibility and to seek additional ways of improving its outreach. Unfortunately, due to limited resources, the Working Group has experienced challenges in sustaining meaningful cooperation strategies with all stakeholders, particularly with regional human rights mechanisms, or any outreach strategy ensuring that its work is duly disseminated.

D. Setting the vision for the next years of the mandate

73. Despite considerable achievements in advancing women's rights, overall progress towards an equal and just society where women are free from discrimination has been slow and uneven across the globe. Marginalized groups of women remain left behind, while political conflict and natural disasters have created new populations of women in situations of vulnerability. The recent resurgence of populism, xenophobia, religious fundamentalism and sexism pose complex challenges for women who continue to battle on many fronts for their rights and dignity (see A/HRC/35/29).

74. The extraordinarily challenging current context highlights the need to reassert the human rights of women so that every woman and girl can aspire to equality and live a life of dignity and respect. Achieving this vision requires a renewed focus on maintaining and building upon the gains already made, and preventing rollback. This means taking stock of the fulfilment of women's rights globally, celebrating and learning from the progress that has been made, shining a light on areas where women's rights remain fragile and under attack. Research from 70 countries over four decades has recognized the role of autonomous feminist organizations in advancing women's rights as the most critical factor in the implementation of gender equality policies.[43] As such, creating enabling environments for women's human rights defenders and women's organizations is vital for advancing gender equality, and sustaining positive change is a priority.

75. The Working Group will be guided by an overarching framework of preventing rollback and reasserting equality, and will focus on the areas outlined below in its annual thematic reports.

1. Women left behind: the causes and consequences of cumulative, multiple and intersecting discrimination against women, with a case study on women deprived of liberty

76. In the context of growing inequalities, the Working Group will explore the causes and consequences of multiple and intersecting forms of discrimination against women, examining the social, economic and political factors that push particular groups of women to the margins. It will also examine the causes and consequences of multiple deprivations experienced by some groups of women, which include a lack of access to basic services, economic insecurity, the lack of a voice in decision-making, vulnerability to violence and poor access to justice. To illuminate the causes and consequences of multiple deprivations experienced by women, the Working Group will present a case study on how the failure of States to protect the human rights of the most marginalized women results in the deprivation of their liberty through detention and imprisonment and other forms of confinement in the private and social context.

2. Protecting and realizing women's rights in the changing world of work

77. The Working Group will examine women's rights in the world of work in the context of the rapidly changing nature of work, including informal work, increasing automation, digital platforms, the so-called gig economy and job insecurity. While in recent decades, increasing numbers of women have been engaging in paid work across the world, this progress has not been matched with improving pay, conditions and the security of women's work. In developing nations, many women work in informal and vulnerable forms of

[43] S. Laurel Weldon and Mala Htun, "Feminist mobilisation and progressive policy change: why governments take action to combat violence against women", Gender & Development, vol. 21, No. 2 (July 2013).

employment and the issue of unpaid care work remains a major challenge globally. Systemic discrimination continues to pose a barrier worldwide to women's enjoyment of their right to work, including their lack of access to decent work and workplace entitlements, and the increasing recognition of sexual harassment in the workplace. With the nature of work changing rapidly, there are both opportunities and risks for women's economic rights.

3. Ensuring the prioritization of sexual and reproductive health and rights in situations of crisis and insecurity

78. The Working Group will examine how women's sexual and reproductive health and rights can be better protected in times of crisis. There is growing evidence that in times of crisis and insecurity — whether stemming from natural disasters, conflict or other emergencies — women's and girl's sexual and reproductive health and rights are particularly at risk and not adequately recognized, leading to a higher risk of unplanned pregnancy and death during childbirth. In such situations, child, early and forced marriage are known to increase and women are more vulnerable to sexual and other forms of violence and exploitation. The Working Group will examine the factors that put women's sexual and reproductive health at risk in conflict and emergency settings and will attempt to set out the standards and good practices needed to protect women's and girls' sexual and reproductive health and rights in a crisis-prone world.

4. Realizing the rights of girl children and adolescent girls

79. The Working Group will examine the situation of girl children, which has not yet been given the comprehensive attention it deserves. Girl children and adolescent girls face unique challenges from multiple and intersecting forms of discrimination, which are often neglected. Families and communities perpetuate gender stereotypes that undervalue girls and deprive them of agency and opportunities. For example, families may not invest in girls' education as they do for boys, and girls are often forced into early marriage. Early marriage and the instrumentalization of girls' bodies often result in teenage pregnancy, with irremediable consequences for girls' health and opportunities. The report will also be an opportunity to address the gaps in national and international policies and strategies to tackle the specific obstacles faced by girl children and adolescent girls. Uncovering the human rights violations faced by girls is key to understanding the life cycle of women's inequality, while their empowerment is a sine qua non for just societies and achievement of gender equality. The Working Group will identify abuses and risks faced by girls during childhood and adolescence worldwide, and restate and progressively develop the standards in this area.

5. A rapidly shifting world: emerging issues and strategies for the realization of women's rights

80. The Working Group will take stock of emerging issues in the global context and their impact on the realization of women's and girls' human rights. Specifically, the Working Group will look at broader economic, environmental and social trends such as the climate crisis, rapid environmental degradation, growing inequalities, technological disruption and demographic change, through the lens of women's human rights. It will also examine emerging strategies for advancing women's right to equality, such as the increasing use of technology to mobilize and connect women's movements and the accountability of men and other actors for women's rights.

81. Beyond this thematic approach, the Working Group intends to ensure continuity with regard to the methods of work and the vision of the previous members of the Working Group, including by strengthening cooperation and alliances with international and regional human rights bodies, working more closely with regional and grass-roots organizations and continuing its efforts to improve its outreach to all stakeholders.

III. Conclusions and recommendations

A. Conclusions

82. **The road to gender equality and the full realization of women's and girls' human right remains long and challenging. Women are scarcely represented in national and global political and economic decision-making bodies and are too often overrepresented in vulnerable employment and paid less than men, impeding their economic independence. They face pervasive violence, lack control over their bodies and lack autonomy, and are too often seen as sexualized objects. In all spheres of life, power and entitlement are still concentrated in the hands of men. Women facing multiple and intersecting forms of discrimination experience inequality even more acutely. The continuing existence of direct and indirect discrimination, both visible and invisible, is the reason why women lag behind in nearly all human progress indicators.**

83. **Equality between women and men is humanity's struggle. In the face of discrimination against women and one of its worst manifestations, gender-based violence, everyone has a duty to act. The international community must move forward on setting and implementing standards on gender equality to counter the alarming trends towards undermining human rights principles and jeopardizing the gains made in women's rights. Solidarity and unity among the whole human rights movement is crucial. While acknowledging that there is great diversity within the feminist movement, and that experiences, perspectives and objectives vary, differences need to be overcome and objectives reconciled to unite against fundamentalists who oppose gender equality.**

84. **Efforts to mainstream gender have constituted a positive step, but they will remain insufficient as long as the United Nations system shies away from addressing nuclei of resistance and maintains its fragmented policies. Recognition of the interdependence of equality in all fields of women's life is key to achieving full and lasting equality. Isolated or sectoral measures focused on the least controversial fields are inappropriate to address root causes of persistent discrimination. There is an urgent need to improve the coherence of international mechanisms aimed at eliminating discrimination against women and a need for global leadership and partnerships.**

85. **International human rights bodies and United Nations entities need to guard against the current backlash in order to ensure that the human rights legal framework is not undermined. The human rights community should make every effort to block any position in international human rights spaces that endorses patriarchal and discriminatory norms, misusing culture, religion and State sovereignty as fallacious justifications. Women's human rights are fundamental rights that cannot be subordinated to cultural, religious or political considerations.**

86. **Freedom of religion should not be opposed to gender equality, and human rights-based education should be used as the main catalyst for change. The Working Group reiterates that there should be no compromise or tolerance for human rights violations or rollback of international human rights standards.**

87. **States have legal obligations to fulfil women's right to equality. It is therefore essential to apply the existing human rights obligations of Member States, making sure that there is both awareness of and accountability for elimination of discrimination against women and empowerment of women within this framework. States have a duty to respect women's human rights and to exercise due diligence to ensure that those rights are not violated by the State, its agents, private corporations, armed groups or individuals. Equality in law and in practice, which enables women to participate fully in political, public, economic and social life, is also a crucial factor for the success of sustainable development. The costs of discriminatory practices in terms of health, education and economic development are a barrier to sustainable development. The goals, targets and indicators of the 2030 Agenda for Sustainable Development should be interpreted through the lenses of human rights obligations. The Sustainable Development Goals should be seen as an opportunity to make progress on the**

elimination of discrimination against women and gender equality, not to dilute States' human rights obligations.

88. Today, the human rights community needs more than ever to unite forces to preserve the democratic space. The fight against all forms of discrimination against women must continue until women everywhere obtain full equality in public, political, economic, social, family, cultural and religious life and in health. Practices such as polygamy, child marriage, female genital mutilation and "honour" killings have no place in any democratic society. The voices of women human rights defenders must not be silenced.

89. It has been 70 years since women's right to equality was enshrined in the Universal Declaration of Human Rights, nearly 40 years since the ground-breaking Convention on the Elimination of All Forms of Discrimination against Women came into existence and 25 years since the Vienna Declaration and Programme of Action established that women's rights are an indivisible part of human rights. The Working Group calls for immediate action: waiting for the next century to achieve equality is intolerable, as is rolling back hard-fought gains. There is no acceptable justification for waiting for the elimination of discrimination against women; it is a long overdue political commitment that must be fulfilled without delay.

B. Recommendations

90. The Working Group recommends that States:

(a) Give the issue of women's right to equality high visibility and top political priority;

(b) Systematically integrate into legislation and policy the recommendations contained in the Working Group's thematic and country reports and its communications in order to ensure that obligations to eliminate discrimination against women are met;

(c) Repeal all discriminatory laws and practices, including those that discriminate against women on traditional, cultural or religious grounds and laws that exclusively or disproportionately criminalize action or behaviour by women and girls, taking into account the multiple and intersecting forms of discrimination faced by many women and girls;

(d) Give priority to establishing, strengthening and investing in institutions devoted to the advancement of women's rights and gender equality;

(e) Create an enabling, supportive environment for civil society and other stakeholders to combat the backlash against women's human rights and to resist all anti-rights trends and movements with a definitive response grounded in binding human rights obligations, with women's and girls' rights at the centre;

(f) Counter the narratives around gender ideology used by conservative lobbies to misinform societies and undermine the advancement of women's rights and gender equality;

(g) Promote recognition of the fact that cultural, religious and family values are not incompatible with women's and girls' human rights, and recognize the equality of women and girls as a fundamental tenet of international human rights law that must be protected, respected and fulfilled in all States and at all levels of society, including within the family;

(h) Continue promoting and protecting the fundamental principle that all rights are universal, indivisible, interdependent and interrelated;

(i) Ensure respect for women's rights to make decisions about their own bodies and to receive comprehensive sexuality education so they can enjoy their right to sexual and reproductive health, including safe, legal and affordable access to contraception and termination of pregnancy;

(j) Establish parity, including through temporary special measures, to ensure equal representation of women in public, political and economic decision-making and leadership;

(k) Develop strategies to increase women's access to decent work and achieve equal pay;

(l) Ensure social protection floors for care work, which would facilitate the participation of women equally with men in economic and social activities;

(m) Institute measures to combat discriminatory social norms and harmful stereotypes about women's and girls' bodies, roles and capabilities.

91. The Working Group recommends that the Human Rights Council enable it to implement its mandate with the support it requires in terms of resources and cooperation with other entities, including regional mechanisms, national human rights institutions and local women's rights organizations, and assistance to increase its visibility and outreach to grass-roots actors who might not have access to the international system.

92. The Working Group recommends that the United Nations system:

(a) Maintain existing international law guarantees of women's human rights, their right to equality in all fields of life and their right not to be discriminated against, and resist all attempts to derogate from them, including by conservative or religious lobbies;

(b) Reassert the validity of the terminology relating to gender issues and counter its misuse;

(c) Develop an integrated policy framework that reflects the indivisibility of all rights and the interdependency of ending discrimination in all fields of women's life;

(d) Ensure that women human rights defenders and grass-roots organizations have effective protection and proper access to United Nations forums in the context of shrinking space for civil society;

(e) Strengthen cooperation and synergies and identify system breakdowns, and recommend how to overcome them, within the context of the current United Nations reform processes, inviting all concerned entities to participate in a self-questioning and accountability exercise on how to best serve the cause of women's rights;

(f) Continue working towards gender parity at the United Nations and make commitments to mainstream gender a reality;

(g) Ensure that the Working Group can contribute meaningfully to the work of the Commission on the Status of Women, including by institutionalizing the Working Group's formal reporting before the Commission and by participating in the Expert Group Meeting that precedes each Commission session;

(h) Ensure that the special procedures genuinely mainstream women's rights, while recognizing that a growing number of mandate holders have devoted full reports to the situation of women's rights in relation to their mandate;

(i) Further institutionalize communication and collaboration between the Committee on the Elimination of Discrimination against Women and the Working Group, recognizing current efforts to have at least one of their annual sessions overlap, thus enabling more meaningful and systematic exchanges;

(j) Convene a formal, high-level meeting gathering all mechanisms and entities working on women's rights at the international and regional levels to explore further ideas for collaboration and for the effective promotion of women's human rights and the elimination of discrimination against women and girls. Such a meeting could be convened by UN-Women, with the support of OHCHR.

93. **The Working Group recommends that civil society find synergies between the progressive movements defending women's rights and strive to reconcile diverse objectives with a view to advancing common priorities and strategically challenging those fundamentalist actors who oppose gender equality.**

94. **The Working Group recommends that national human rights institutions leverage their unique position in the national human rights machinery and act as a bridge between Members States and international human rights mechanisms.**

Annex

Activities undertaken by the experts as Working Group members since its last report to the Council

1. The Working Group submitted an amicus brief[1] regarding the criminalization of termination of pregnancy in Northern Ireland to the Supreme Court of the United Kingdom, which was presented before the Court on 26 October 2017.

2. On 3 November 2017, the Chair of the Working Group held a discussion with the Committee on the Elimination of Discrimination against Women in a plenary session. She briefed the Committee on the highlights of the Working Group's recent work and emphasized the need to further strengthen cooperation, collaboration and coordination, especially in the context of the backlash against the gains in women's rights. The meeting agreed to further explore ways for effective collaboration, including through the holding of an annual joint session.

3. On the occasion of International Women's Day on 8 March 2018, a member of the Working Group participated in a Facebook Live event on women human rights defenders.

4. Two members of the Working Group attended the sixty-second session of the Commission on the Status of Women. For the first time, the Working Group formally reported to the Commission's general discussion, as newly mandated by the Human Rights Council.[2] The Working Group also addressed the Commission's interactive dialogue on accelerating the implementation of the Beijing Declaration and Platform for Action and achieving concrete results by 2020. The members of the Working Group participated in a number of other events, including a consultation organized by the Victims' Rights Advocate, a "meet and greet" for Working Group members hosted by civil society, an Expert Group Meeting, a side event on violence against women in politics, a consultation on strengthened cooperation between global and regional women's rights mechanisms, and side events on achieving gender parity in United Nations human rights bodies, men's accountability for change, and women's human rights advocacy in a time of backlash. Along with the Special Rapporteur on violence against women, the Chair of the Committee on the Elimination of Discrimination against Women and representatives of regional women's rights mechanisms, the experts also met with the Secretary-General of the United Nations.

5. A member of the Working Group participated in the US Human Rights Network National Convening on Advancing Human Rights, held in December 2017 in Atlanta. She participated in a panel discussion on Gender and Poverty Strategy, in February 2018 at New York University, to discuss the preliminary findings of the Special Rapporteur on extreme poverty and human rights from his country visit to the United States of America. She was part of a joint thematic dialogue on sexual orientation, gender identity and intersex between the Inter-American Commission on Human Rights, the African Commission on Human and Peoples' Rights, and United Nations human rights mechanisms, held in Washington D.C. on 26–28 March 2018. She also participated in a conference on Challenging Criminalization Globally: Inter-disciplinary and intersectional dialogue on un-policing identity, morality, sexuality and bodily autonomy, organized by CREA and Global Health Justice Partnership at Yale University on 17–18 April 2018.

6. A member of the Working Group participated in a regional consultation organized by the Special Rapporteur on the right to development in Addis Ababa on 27 and 28 March 2018 and participated in a regional consultation organized by the African Commission on Human and Peoples' Rights on human rights in conflict situations in Africa held on 5 and 6 April 2018 in Addis Ababa.

[1] See www.ohchr.org/EN/Issues/Women/WGWomen/Pages/AmicusCuriae.aspx.

[2] See Human Rights Council resolution 35/18.

7. A member of the Working Group participated in a briefing on special procedures, with a focus on the mandate of the Working Group, together with the Special Rapporteur on violence against women. The meeting was organized in Zagreb on 12 April 2018.